Appl. No. 10/068,759
Amdt. dated November 9, 2005
Reply to Office Action of August 10, 2005

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REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed on August 10, 2005. Entry of this Amendment is requested.

In this Amendment, claims 1, 5, 6, 8, 12, 15, 16, 19, 20, and 24 are amended, claims 14, 21-23, and 35-40 are canceled, so that claims 1-6, 8-13, 15-20, 24-34, and 41-43 are pending and subject to examination.

Claim 24 is amended so that it is in independent form. Accordingly, the amendment to claim 24 does not raise new issues requiring further search and/or consideration, since independent claim 24 is the same as previously submitted dependent claim 24.

I.   Summary of embodiments of the invention

Embodiments of the invention include "publishing" presence and availability (P & A) information for an individual to a plurality of subscribers. "Presence" means whether or not the individual is accessible to anyone. For example, if the individual's phone is turned off, he is not "present" to the system. Availability includes situations where the user is present, but is not available to a subscriber. For example, a person may have his cell phone turned on and may be present. However, the person may not be available to marketers, but may be available to family members.

Accordingly, in preferred embodiments, P & A information for an individual may be different for different subscribers. See paragraph [0022]. The different subscribers may have different, published, P & A information. For instance, as shown in FIG. 8, "Alex" is able to contact Jonathan through a telephone network or through an instant messaging network. However, "Pete" is not able to contact Jonathan through a telephone network, but is able to contact him through an instant messaging network.

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II.   IRC FAQ

Claims 1-40 are rejected as obvious over IRC FAQ. IRC stands for "Internet Relay Chat" and FAQ stands for "frequently asked questions". This reference is directed the description of an Internet chat room type process. As is best understood by the undersigned, a single chat room is discussed and no other types of networks are discussed.

The primary teaching relied upon by the Examiner is the WHOIS command which is described at page 8 of the reference. The WHOIS command provides an output like Guru is "on via server irc.server.net", but "Guru is making away (making dinner)". This rejection is traversed.

A.   Independent claims 1, 8, and 15

Obviousness has not been established with respect to independent claims 1, 8, and 15, or any claims that are dependent thereon. Here, all limitations in claims 1, 8, and 15 are not taught or suggested by IRC FAQ. For example, independent claim 1 recites publishing via a network "a first availability profile for the individual associated with a first access level of the individual to the first person", and "publishing via the network a second availability profile associated with a second access level of the individual to the second person", "wherein the first and second availability profiles respectively indicate different ways in which the first person and the second person may access the individual, and wherein the first person views the first availability profile before contacting the individual and wherein the second person views the second availability profile before contacting the individual".

Neither the description cited by the Examiner nor any other description in IRC FAQ teaches or suggests these limitations. As noted above, the reference IRC FAQ is directed the description of an Internet chat room type process. The primary teaching relied upon by the Examiner is the "WHOIS" command, which is described at page 8 of the reference. The WHOIS command provides an output like Guru is "on via server irc.server.net", but "Guru is making away (making dinner)". Applicants presume that the Examiner believes that these respective

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passages meet the "presence" and "availability" limitations in the claims. Even assuming, *arguendo*, that the passage cited by the Examiner teaches "publishing", *the published information about "Guru" in the example cited by the Examiner is the same for all persons in the chatroom* who type in the command "WHOIS". In contrast, independent claims 1, 8, and 15 discuss the publication of first and second availability profiles, which respectively indicate different ways in which the first person and the second person may access the individual. In IRC FAQ, only one way of communicating with "Guru" is disclosed (i.e., a "chat room"), and IRC FAQ clearly fails to disclose the publication of different ways to contact the same individual.

There is also no motivation to modify IRC FAQ to arrive at the inventions of independent claims 1, 8, and 15. As noted above, IRC FAQ is directed to only a "chat room" process. Modifying IRC FAQ to include published information about other modes of communication would only confuse those in the chat room.

B.   Independent claim 24

Independent claim 24 recites a server comprising, *inter alia*, a "presence detection engine [that] is for detecting whether [an] individual is present on a plurality of communication networks" an "availability management engine [that] is for publishing an address for each communication network for which the individual is available" and an "adaptive feedback module [that] is for ceasing to publish the address of the individual for a first communication network when it is determined that the individual is no longer present on the first network." None of these limitations is taught or suggested by IRC FAQ.

At page 6 of the Office Action, claim 24 is discussed and is allegedly rejected for the same reasons as claim 4. However, the description of the rejection of claim 4 is at the carryover paragraph at pages 4-5 of the Office Action and it fails to mention where a "plurality of communication networks" and "publishing" an address for each communication network is taught or suggested by IRC FAQ, let alone an "adaptive feedback module for ceasing to publish the address of the individual". As noted above, IRC FAQ appears to discuss a single chat room and there is no teaching or suggestion regarding publishing address information associated with

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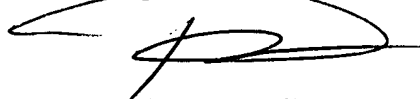Reply to Office Action of August 10, 2005

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different communication networks. Accordingly, independent claim 24 and any dependent

claims thereon are allowable over IRC FAQ.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this

Application are in condition for allowance. If the Examiner believes a telephone conference

would expedite prosecution of this application, please telephone the undersigned at 415-576-

0200.

Respectfully submitted,

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